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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,833	06/18/2001	Ewald Karl Michael Guenther	1240612001	6094

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REDWOOD CITY, CA 94063

EXAMINER
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ANDUJAR, LEONARDO

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/786,833

Applicant(s)

GUENTHER ET AL.

Examiner

Leonardo Andújar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) 51-85 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 31 and 86-94 is/are rejected.
- 7) ☒ Claim(s) 18-30 and 32-50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

NATHAN J. FLYNN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-50) in Paper No. 8 is acknowledged.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

4. Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 41, the term "good" is a relative term which renders the claim indefinite. The term "good" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

5. Claims 94 is rejected under 35 U.S.C. 112, fourth paragraph, as being an improper dependent claim for failing to include every limitation of a claim from which it depends. The limitations in claim 94 infringe the limitations in basic claim 87. Claim 94 recites that the support layers comprises an indirectly photopatternable material. However, line 1 of claim 87, from which claim 94 depends, specifies that photopatternable material is a directly photopatternable material.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-17 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (US 6,198,217).

8. Regarding claim 1, Suzuki (e.g. figs. 1 and 2) shows a device comprising:

- A substrate (24, 10, 12);
- An active component 14 formed on a top surface of the substrate;
- And a first laminate 30 over the top surface of the substrate, encapsulating the active component;
- And support post 32 in non-active regions of the device, providing support for the first laminate.

9. Regarding claims 2, Suzuki shows that the device comprises an OLED device (abstract).

10. Regarding claim 3, Suzuki shows that the substrate supports the active component.

11. Regarding claim 4, Suzuki discloses that the substrate comprises a flexible substrate (col. 2/ll. 53-col.3/ll. 54).

12. Regarding claim 5, Suzuki discloses that the substrate comprises a substrate made of polymer or glass (col. 2/ll. 53-col.3/ll. 54).
13. Regarding claim 6, Suzuki discloses that the substrate comprises a transparent substrate (col. 2/ll. 53-col.3/ll. 54).
14. Regarding claim 7, Suzuki discloses that the substrate comprises a substrate made of polymer or glass (col. 2/ll. 53-col.3/ll. 54).
15. Regarding claim 8, Suzuki discloses that the substrate comprises a flexible transparent substrate (col. 2/ll. 53-col.3/ll. 54).
16. Regarding claim 9, Suzuki discloses that the substrate comprises a substrate made of polymer or glass (col. 2/ll. 53-col.3/ll. 54).
17. Regarding claim 10, Suzuki shows that the substrate supports the active component.
18. Regarding claim 11, Suzuki discloses that the substrate comprises a flexible substrate (col. 2/ll. 53-col.3/ll. 54).
19. Regarding claim 12, Suzuki discloses that the substrate comprises a substrate made of polymer or glass (col. 2/ll. 53-col.3/ll. 54).
20. Regarding claim 13 Suzuki discloses that the substrate comprises a transparent substrate (col. 2/ll. 53-col.3/ll. 54).
21. Regarding claim 14, Suzuki discloses that the substrate comprises a substrate made of polymer or glass (col. 2/ll. 53-col.3/ll. 54).
22. Regarding claim 15, Suzuki discloses that the substrate comprises a flexible transparent substrate (col. 2/ll. 53-col.3/ll. 54).

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23. Regarding claim 16, Suzuki discloses that the substrate comprises a substrate made of polymer or glass (col. 2/ll. 53-col.3/ll. 54).

24. Regarding claim 17, Suzuki shows a second laminated (e.g. 10, 32) on the bottom surface of the substrate. The second laminated comprises a transparent laminate (col. 2/ll. 53-col.3/ll. 54).

25. Regarding claim 31, Suzuki shows a second laminated (e.g. 10, 32) on the bottom surface of the substrate. The second laminated comprises a transparent laminate (col. 2/ll. 53-col.3/ll. 54).

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 86-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,198,217) in view of Harper.

28. Regarding claims 86, 87 and 88, Suzuki discloses that the support post is made of an adhesive (i.e. epoxy). However, Suzuki does not explicitly disclose that the adhesive comprises a directly or indirectly photopatternable material. Harper discloses that polyimide is an adhesive commonly used in the art. Harper teaches that polyimide has a high thermal resistance, a low dielectric losses and a low thermal expansion (pp 1.22-1.23 and 1.40-1.41). Although Harper does not explicitly teach that polyimides can be directly and indirectly photopatternable these limitation are considered to be

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inherent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the support post of polyimide (i.e. a directly and indirectly photopatternable material) because this material has a high thermal resistance, a low dielectric losses and a low thermal expansion as taught by Harper.

29. Regarding claims 89 and 90, Suzuki in view of Harper teaches a support post comprising an indirectly/direct photopatternable material. Suzuki in view of Harper does not explicitly teach that support posts comprise a multi layer architecture having a first and second support layers. However, this type of arrangement is considered to be a duplication of parts due to obtain a multiple effect. This limitation is considered to be an obvious modification of the support posts disclosed in the Prior Art. The multiplicity of parts is not considered an innovation over the prior art unless this duplication of part creates a synergistic combination or unexpected results. See *St. Regis Paper Co. V. Bemis Co., Inc.*, 193 USPQ 8, 11 (7th Cir. 1977).

30. Regarding claims 91 and 92, Suzuki in view of Harper teaches that the support layer comprise a dielectric material (e.g. polyimide) to provide electrician isolation for the active component.

31. Regarding claim 93 and 94 (as understood), Suzuki in view of Harper teaches that the support layer comprises multiple layers (e.g. polyimide). Although Harper does not explicitly teaches that polyimides can be directly and indirectly photopatternable these are inherent properties of the polyimides.

***Allowable Subject Matter***

32. Claims 18-30, 32-40 and 43-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

33. Claims 41 and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

34. Applicant's arguments with respect to claims 1-50 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

37. Papers related to this application may be submitted directly to Art Unit 2826 by facsimile transmission. Papers should be faxed to Art Unit 2826 via the Art Unit 2826 Fax Center located in Crystal Plaza 4, room 3C23. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2826 Fax Center number is **(703) 308-7722** or **-7724**. The Art Unit 2826 Fax Center is to be used only for papers related to Art Unit 2826 applications.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leonardo Andújar** at **(703) 308-0080** and between the hours of 9:00 AM to 7:30 PM (Eastern Standard Time) Monday through Thursday or by e-mail via [Leonardo.Andujar@uspto.gov](mailto:Leonardo.Andujar@uspto.gov). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (703) 308-6601. Any inquiry of a general nature or relating to the status of this application should be directed to the **Group 2800 Receptionist** at **(703) 305-3900**.

39. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class / Subclass (es): 257/691	07/03
Other Documentation:	
Electronic Database(s): East (USPAT, US PGPUB, JPO, EPO, Derwent, IBM TDB)	07/03

**Leonardo Andújar**

Patent Examiner Art Unit 2826

LA  
7/5/03